

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) Case No. 07-MJ-308  
v. )  
DETENTION ORDER  
MARLON THOMAS, )  
Defendant. )

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Offenses charged:

Count 1: Conspiracy to Distribute Cocaine Base in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1), and 841(b)(1)(B), and 18 U.S.C. § 2.

Count 2: Possession with Intent to Distribute Cocaine Base in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 18 U.S.C. § 2.

Date of Detention Hearing: June 28, 2007.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds the following:

## **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

(1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of the pending

01 charges. This places a limited burden of production on the defendant, although the burden of  
02 persuasion remains with the government. Application of the presumption in favor of  
03 detention is appropriate in this case.

04 (2) Defendant is a resident of the State of New York and has limited ties to the  
05 Western District of Washington and to this community.

06 (3) Defendant appears to have on-going substance-abuse issues.

07 (4) After a search warrant was issued and defendant was arrested, more cocaine  
08 and a handgun were found in the defendant's residence.

09 (5) The Assistant United States Attorney has proffered that the defendant is under  
10 suspicion for homicide in the State of New York.

11 (6) There are no conditions or combination of conditions other than detention that  
12 will reasonably assure the appearance of defendant as required or the safety of persons in the  
13 community.

14 **IT IS THEREFORE ORDERED:**

15 (1) Defendant shall be detained pending trial and committed to the custody of the  
16 Attorney General for confinement in a correction facility separate, to the  
17 extent practicable, from persons awaiting or serving sentences or being held in  
18 custody pending appeal;

19 (2) Defendant shall be afforded reasonable opportunity for private consultation  
20 with counsel;

21 (3) On order of a court of the United States or on request of an attorney for the  
22 government, the person in charge of the corrections facility in which  
23 defendant is confined shall deliver the defendant to a United States Marshal  
24 for the purpose of an appearance in connection with a court proceeding; and

01 (4) The Clerk shall direct copies of this Order to counsel for the United States, to  
02 counsel for the defendant, to the United States Marshal, and to the United  
03 States Pretrial Services Officer.

04 DATED this 28th day of June, 2007.

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07 JAMES P. DONOHUE  
08 United States Magistrate Judge  
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